

CCRB INVESTIGATIVE RECOMMENDATION

| | | | | | |
|---|-------------------------------------|---------------------------|---|---|---------------------------------|
| Investigator: Rebecca Ho | Team: Squad #3 | CCRB Case #: 201600992 | <input type="checkbox"/> Force | <input checked="" type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Thursday, 01/28/2016 6:05 AM | Location of Incident: [REDACTED] | Precinct: 75 | 18 Mo. SOL 7/28/2017 | EO SOL 7/28/2017 | |
| Date/Time CV Reported Fri, 01/29/2016 12:33 PM | CV Reported At: IAB | How CV Reported: Phone | Date/Time Received at CCRB Fri, 02/05/2016 1:19 PM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------------|--------------|
| [REDACTED] | [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] | [REDACTED] |

| Witness(es) | Home Address |
|-------------|--------------|
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] |

| Subject Officer(s) | Shield | TaxID | Command |
|-----------------------|--------|--------|---------|
| 1. An officer | | | ESS 06 |
| 2. DT3 James Tasevoli | 3037 | 935825 | DB GLD |
| 3. POM Juan Morales | 07010 | 952033 | 075 PCT |

| Witness Officer(s) | Shield No | Tax No | Cmd Name |
|-------------------------|-----------|--------|----------|
| 1. POM Justin Delmonico | 00390 | 948867 | 043 DET |
| 2. POM Thomas Kaminski | 04071 | 945867 | 075 PCT |
| 3. DTS Joseph Nicosia | 5336 | 949395 | 075 PCT |
| 4. POM Todd Hansen | 13329 | 949083 | 075 PCT |
| 5. LT Timothy Skretch | 00000 | 926130 | 075 PCT |
| 6. POM Robert Manzi | 12783 | 942119 | DB GLD |
| 7. SGT Michael Gargan | 01154 | 906311 | E S U |

| Officer(s) | Allegation | Investigator Recommendation |
|----------------------|--|-----------------------------|
| A.POM Juan Morales | Abuse: PO Juan Morales entered and searched § 87(2)(b) in Brooklyn. | [REDACTED] |
| B. An officer | Discourtesy: At § 87(2)(b) in Brooklyn, an officer spoke discourteously to § 87(2)(b) | [REDACTED] |
| C.DT3 James Tasevoli | Discourtesy: At the 75th Precinct stationhouse, Det. James Tasevoli spoke discourteously to § 87(2)(b) | [REDACTED] |

Case Summary

On January 29, 2016, § 87(2)(b) filed this complaint on behalf of § 87(2)(b) with IAB via telephone, which generated log #16-3833. It was referred to the CCRB on February 5, 2016 [NYPD 15]. § 87(2)(b) is a non-witnessing complainant.

On January 28, 2016, at 6:05 a.m., no-knock search warrant § 87(4-b), § 87(2)(g) requested by PO Juan Morales of the 75th Precinct was executed at § 87(2)(b) in Brooklyn (**Allegation A**). ESU officers gained entry into the apartment with their guns drawn and an officer pointed his gun at § 87(2)(b). § 87(2)(b) alleged an officer told him to “get to the fucking ground” (**Allegation B**). § 87(2)(b) further alleged that when Det. James Tasevoli of the Grand Larceny Division spoke with her at the 75th Precinct stationhouse, he called her a “fucking thief” (**Allegation C**).

§ 87(2)(b) was arrested for the possession of multiple forged instruments. § 87(2)(b) was arrested for the criminal possession and use of marijuana. § 87(2)(b) was arrested for possession of a forged instrument and the criminal possession and use of marijuana. § 87(2)(b) and § 87(2)(b) were issued summonses for the possession of marijuana.

There is no video footage in regards to this incident. § 87(2)(g)

Mediation, Civil and Criminal Conviction Histories

- As § 87(2)(b) and § 87(2)(b) were arrested, this case was not suitable for mediation.
- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of April 19, 2016 with regard to the incident.
- § 87(2)(b)
- § 87(2)(b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) [BR 09].
- § 87(2)(b) and § 87(2)(b) have never filed a complaint with the CCRB [BR 09].
- PO Juan Morales has been a member of the service for 4 years and has five previous complaints and six allegations pleaded against him, none of which are substantiated. § 87(2)(g)

- Det. James Tasevoli has been a member of the service for 11 years and has three previous complaints and four allegations pleaded against him, none of which are substantiated. § 87(2)(g)

Potential Issues

- § 87(2)(b) missed three scheduled interview appointments on March 9, 2016 April 12, 2016, and May 2, 2016 without calling to cancel or reschedule. § 87(2)(b), § 87(2)(g)

Finding and Recommendations

Explanation of Subject Officer Identification

§ 87(2)(b) alleged he was approached by an officer with his gun drawn and another holding a shield, and that the officer holding the gun spoke discourteously to him. § 87(2)(b) alleged he was later debriefed by the same two officers at the 75th Precinct stationhouse. § 87(2)(b) described the subject officer as a Caucasian male, 5'9"-6' tall, 35-37 years old, has gray hair and a scruffy beard.

The ESU warrant execution supplemental report notes Sgt. Michael Gargan handcuffed § 87(2)(b) in the hallway of the apartment [NYPD 18]. § 87(2)(g), § 87(4-b)

§ 87(2)(b) Sgt. Gargan was interviewed and confirmed that he would have handcuffed § 87(2)(b) without the assistance of another officer, and noted that as the only supervisor present, he would not have been carrying a shield or equipped with another firearm such as an MP4 [BR 13]. Sgt. Gargan denied making the alleged discourteous statement.

The pre-execution plan notes all members of the 75th Precinct who participated in the search warrant execution at 611 Blake Avenue [NYPD 20]. According to NYPD officer records, PO Robert Mayer and PO Todd Hansen are the only two officers from the pre-execution plan with gray hair. § 87(2)(b)

§ 87(2)(b) PO Mayer was assigned to the window security. § 87(2)(g), § 87(4-b)

§ 87(2)(b) PO Hansen was assigned as the recorder and to front security. PO Hansen was interviewed and confirmed that ESU made entry into the apartment and placed all individuals in the apartment in handcuffs [BR 14]. Once the apartment was secured, 75th Precinct officers entered to take custody over the arrested individuals. PO Hansen testified that he took custody over the male arrested inside a bedroom, identified by the investigation as § 87(2)(b) PO Hansen stated he did not debrief any individuals upon his return to the stationhouse. PO Hansen denied making the alleged discourteous statement.

§ 87(2)(g), § 87(2)(b), § 87(4-b)

§ 87(2)(g)

Allegation B § 87(2)(g)

Allegations Not Pleaded

- **Gun pointed:** An allegation that guns were pointed upon entry was alleged by § 87(2)(b) [BR 02]. It has not been pleaded because there is a valid no-knock search warrant and therefore subsumed under the entry and search of § 87(2)(b) in Brooklyn.
- **Discourtesy:** § 87(2)(b) alleged officers told her daughter § 87(2)(b) she was a white bitch, a fucking criminal, and a fraud [BR 02]. As § 87(2)(b) did not allege this [BR 05], it has not been pleaded.

Recommendations

- **Allegation A: Abuse of Authority – PO Juan Morales entered and searched** § 87(2)(b) **in Brooklyn.**

§ 87(2)(g), § 87(2)(b)

Allegation A § 87(2)(b)

- **Allegation B: Discourtesy – At** § 87(2)(b) **in Brooklyn, an officer spoke discourteously to** § 87(2)(b)

§ 87(2)(b) alleged he was standing in the hallway when officers entered the apartment [BR 04; BR 12]. § 87(2)(b) was approached by two officers, one holding a shield, and another with his gun drawn. The officer holding the gun told § 87(2)(b) “Shut the fuck up, be quiet.” § 87(2)(b)'s statement did not indicate that anyone else in the apartment would have been in a position to hear the discourtesy. § 87(2)(b) alleged he was later debriefed by the same two officers at the 75th Precinct stationhouse.

§ 87(2)(g)

Allegation B § 87(2)(g)

- **Allegation C: Discourtesy – At the 75th Precinct stationhouse, Det. James Tasevoli spoke discourteously to** § 87(2)(b)

§ 87(2)(b) alleged that while she was being interviewed by Det. James Tasevoli and PO Robert Manzi, Det. Tasevoli told § 87(2)(b) she was a “fucking thief.” Det. Tasevoli denied making the alleged statement and PO Manzi denied hearing Det. Tasevoli call § 87(2)(b) a “fucking thief.” § 87(2)(g)

Allegation C § 87(2)(g)

Squad: 3

Investigator: _____ Rebecca Ho 06/02/2016
Signature Print Date

Supervisor: _____ Dane Buchanan _____

Title/Signature

Print

Date